

Remarks

In the Restriction Requirement, the Patent Office has determined that the application contains the following inventions: Invention I - Claims 1-38, 40-67 and 88-89, drawn to stage assembly; Invention II - Claims 39 and 68 drawn to wafer; and Invention III - Claims 69-87 drawn to method for making stage assembly. The Applicants have elected the claims of Invention 1 with traverse. In particular, the Applicants submit that the Patent Office should withdraw the Restriction Requirement and examine claims 1-89 concurrently.

Argument

Inventions I and II

In the Restriction Requirement, the Patent Office provided that "Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if ... (2) that the product as claimed can be made by another and materially different apparatus. (MPEP §806.05(g)). In this case, the wafer can be made by a molding apparatus." The applicants respectfully disagree with the restriction requirement with regard to at least some of the claims of Inventions I and II.

For example, Claim 37 of Invention I requires "An exposure apparatus including the stage assembly of claim 1." Claim 39 of Invention II requires "A wafer on which an image has been formed by the exposure apparatus of claim 37." Because Claim 39 specifically requires that the wafer is formed by the exposure apparatus of claim 37, the product (the wafer) as claimed can not be made by another and materially different apparatus.

Somewhat similarly, Claim 66 of Invention I requires "An exposure apparatus including the stage assembly of claim 40". Claim 68 of Invention II requires " A wafer on which an image has been formed by the exposure apparatus of claim 66." Because Claim 68 specifically requires that the wafer is formed by the exposure apparatus of claim 66, the product (the wafer) as claimed can not be made by another and materially different apparatus.

Accordingly, claims 39 and 68 should be examined with the claims of the elected Invention I.

Inventions I and III

In the Restriction Requirement, the Patent Office provided that "Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if ... (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §806.05(e)). In this case, the apparatus can be used to polish a wafer." The applicants respectfully disagree with the restriction requirement with regard to at least some of the claims of Inventions I and III.

For Example, Claim 1 of Invention I requires "A stage assembly that is adapted to move a device relative to a stage base" Claim 69 of Invention III requires "A method for making a stage assembly that moves a device relative to a stage base" Claim 69 does not contain limitations on use of the stage assembly made by the method of Claim 69. The Applicants agree that the stage assembly of claim 1 can be used to polish a wafer. However, the stage assembly made by the method of claim 69 can also be used to polish a wafer. Thus, the apparatus as claimed (Claim 1) can not

be used to practice another and materially different process. Accordingly, claims 69-87 should be examined with the claims of the elected Invention I.

CONCLUSION

In conclusion, the Applicants respectfully submit that the Restriction Requirement should be withdrawn and claims 1-89 should be examined concurrently. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue. Any additional extension of time required for the timely submission of this paper, the fees for which have not been previously paid, is hereby petitioned and requested.

Respectfully submitted,



STEVEN G. ROEDER
Attorney for Applicants
Registration No. 37,227

The Law Office of Steven G. Roeder
5560 Chelsea Avenue
La Jolla, California 92037
Telephone: (858) 456-1951